

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 25-55 are pending in the present application. Claims 25 and 48 are amended and Claims 54 and 55 are added by the present amendment.

Claim amendments and new claims find support in the application as originally filed, at least at page 1, lines 11-21. Thus, no new matter is added.

In the outstanding Office Action, the specification was objected to; Claims 25-37, 39-41, 43-45, 48 and 51 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 1-6, 13, 14, 16 and 17 of copending U.S. Patent Application No. 09/940,462; and Claims 25-53 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Publication No. 2002/0032790 to Linderman in view of Applicant's Admitted Art (herein AA).

Further, the Advisory Action indicates that Claims 25-53 would be rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Provisional Application No. 60/208,045 to Linderman (herein P '045) in view of AA.

Regarding the objection to the specification, Applicant respectfully notes that the specification changes requested in the outstanding Office Action were made in Applicant's Amendment filed February 10, 2005. Accordingly, Applicant respectfully requests the objection to the specification be withdrawn.

Further, regarding the non-statutory double patenting rejection of Claims 25-37, 39-41, 43-45, 48 and 51 over Claims 1-6, 13, 14, 16 and 17 of U.S. Patent Application No. 09/940,462, the rejection is respectfully traversed in light of the terminal disclaimer filed with the response dated November 6, 2005.

Applicant respectfully traverses the rejection of Claims 25-53 under 35 U.S.C. § 103(a) as unpatentable over Linderman or P '045 in view of AA, with respect to the amended independent claims.

Amended Claim 25 is directed to a communication system including, in part, automation equipment having at least one processing unit configured to execute at least one automation program that provides an automation function. The automation equipment includes a building automation logic controller for a building, and the automation function includes a building automation function for the building. Further, capabilities of a web service executed by the automation equipment are described using a WSDL (Web Services Description Language) language. Amended Claim 48 includes similar features but directed to a method of communicating in a communication system. New Claims 54 and 55 include features similar to those of amended Claims 25 and 48, respectively. However, in Claims 54 and 55, the automation equipment includes an industrial automation logic controller for industrial equipment instead of a building controller, and the automation function includes an industrial equipment automation function for the industrial equipment instead of a building automation function.

In a non-limiting example, Applicant's Figure 1 shows automation equipment 10 that executes automation program 20 that offers automation functions. The automation equipment may include a building automation logic controller, such as a controller for electrical distribution networks within the building,¹ or the automation equipment may include an industrial automation logic controller, such as a numeric controller for an industrial application.² The automation equipment 10 may also include web service 21 that provides a remote automation function to remote equipment 30/40. The web service 21 receives and sends messages 53 according to a communication protocol based on the WSDL

¹ Specification at page 1, lines 11-15.

² Specification at page 1, lines 16-19.

bindings described in service description document 61. Thus, the service description document 61, which is accessible from the remote equipment 30/40 over the IP network 50, allows the remote equipment 30/40 to know what services are available from the automation equipment and specifies a set of requests and protocols to be used to invoke the request to the automation equipment 10, for each automation function.³

Applicant respectfully submits that the combined disclosure of P '045 and AA does not teach or suggest each of the features of the amended independent claims.

First, as noted in the previous response, P '045 does not include any figures and only includes a general discussion of a product called "DaberNet." The discussion is general in nature and does not include sufficient details to enable one of skill in the art to practice the features of the amended claims. Further, AA also does not teach or suggest those features. For example, P '045 and AA do not teach or suggest any "automation equipment . . . configured to execute at least one automation program and at least one web service" and does not teach or suggest "a computer application configured to . . . provide a remote automation function . . . including at least one of monitoring, display, control, configuration, and programming of the automation function," as recited in amended independent Claims 25 and 48, and as similarly recited in new independent Claims 54 and 55.

Further, Applicant respectfully submits that P '045 and AA do not teach or suggest a communication system or communication method that includes a building automation logic controller for a building, and an automation function that includes a building automation function for the building, as recited in amended Claims 25 and 48. Further, P '045 and AA do not teach or suggest a communication system or communication method that includes an industrial automation logic controller for industrial equipment, and an automation function

³ Specification at page 11, lines 25-29.

that includes an industrial automation function for the industrial equipment, as recited in new Claims 54 and 55.

In addition, Applicant respectfully submits that P '045 and AA are silent regarding WSDL. P '045 indicates merely that XML "with additional vocabulary piggybacked" will be used to send commands for the purpose of administering network servers behind firewalls.⁴ However, P '045 provides no additional description or drawings regarding any additional vocabulary. Further, as noted in Applicant's specification, WSDL is a language based on XML, but that provides capabilities for describing web services that are not inherent in the XML language itself. Instead, WSDL "provides a vocabulary defining a structure, contents and a communication description syntax."⁵ Thus, although P '045 indicates that XML may be used, P '045 is vague regarding an additional vocabulary or language, and P '045 is completely silent regarding the claimed WSDL language, which is relied upon to "describe capabilities of the at least one web service," as recited in the independent claims.

Accordingly, Applicant respectfully submits that independent Claims 25, 48, 54 and 55, and claims depending therefrom, are allowable.

⁴ P '045 at page 1, lines 5-14, and page 2, lines 20-22.

⁵ Specification at page 3, line 23, to page 4, lines 12.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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